

Message

From: Dermer, Michele [Dermer.Michele@epa.gov]
Sent: 6/25/2019 5:04:00 PM
To: Albright, David [Albright.David@epa.gov]
CC: Ho, Yenhung [Ho.Yenhung@epa.gov]
Subject: FW: Follow-up to EPA Regional Administrator Visit

Keeping you in the loop

From: Dermer, Michele
Sent: Tuesday, June 25, 2019 10:02 AM
To: Torres, Tomas <Torres.Tomas@epa.gov>
Cc: Rao, Kate <Rao.kate@epa.gov>; Ho, Yenhung <Ho.Yenhung@epa.gov>
Subject: RE: Follow-up to EPA Regional Administrator Visit

And thanks for keeping us posted on the interests of Feinstein's office!

From: Torres, Tomas
Sent: Tuesday, June 25, 2019 9:53 AM
To: Dermer, Michele <Dermer.Michele@epa.gov>
Cc: Rao, Kate <Rao.kate@epa.gov>; Ho, Yenhung <Ho.Yenhung@epa.gov>
Subject: RE: Follow-up to EPA Regional Administrator Visit

Ex. 5 Deliberative Process (DP)

Tomás Torres

From: Dermer, Michele
Sent: Tuesday, June 25, 2019 9:32 AM
To: Torres, Tomas <Torres.Tomas@epa.gov>
Cc: Rao, Kate <Rao.kate@epa.gov>; Ho, Yenhung <Ho.Yenhung@epa.gov>
Subject: RE: Follow-up to EPA Regional Administrator Visit

Hi Tomás,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks, Michele

From: Torres, Tomas
Sent: Tuesday, June 25, 2019 8:16 AM
To: Dermer, Michele <Dermer.Michele@epa.gov>
Cc: Rao, Kate <Rao.kate@epa.gov>
Subject: FW: Follow-up to EPA Regional Administrator Visit
Importance: High

Hi Michele,

Ex. 5 Deliberative Process (DP)

Tomás Torres

From: Channell, Becca (Feinstein) <Becca_Channell@feinstein.senate.gov>
Sent: Monday, June 24, 2019 5:06 PM
To: Torres, Tomas <Torres.Tomas@epa.gov>
Cc: Stoker, Michael B. <stoker.michael@epa.gov>; LEONIDO-JOHN, STEVEN <Leonido-John.Steven@epa.gov>; Wysocki, Kenneth C. <wyssocki.kenneth@epa.gov>; Albright, David <Albright.David@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>
Subject: RE: Follow-up to EPA Regional Administrator Visit

Hello Mr. Torres,
Thank you for providing that information. Mr. Stoker mentioned that once EPA receives the aquifer exemption request from the state, it is usually a 60-90 day process for EPA to approve or deny the request. Is this a set time frame, or could this vary depending on your evaluation of the information submitted?

I do not have any other follow up questions at this time, but I may reach out to you at a later time.

Thank you and have a great week.

Becca Channell | Field Representative
U.S. Senator Dianne Feinstein
Los Angeles, CA | (310) 914-7300

From: Torres, Tomas <Torres.Tomas@epa.gov>
Sent: Friday, June 21, 2019 12:31 PM
To: Channell, Becca (Feinstein) <Becca_Channell@feinstein.senate.gov>
Cc: Stoker, Michael B. <stoker.michael@epa.gov>; LEONIDO-JOHN, STEVEN <Leonido-John.Steven@epa.gov>; Wysocki, Kenneth C. <wyssocki.kenneth@epa.gov>; Albright, David <Albright.David@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>
Subject: Follow-up to EPA Regional Administrator Visit

Hi Becca,

As a follow-up to your meeting with Regional Administrator Stoker, below is additional information on your inquiry pertaining to the State/EPA role in the aquifer exemption process, and status of the Cat Canyon aquifer exemption. I'm happy to answer any follow-up questions you may have.

State/EPA Roles and the Aquifer Exemption Process

In the early 1980s, EPA authorized the California Division of Oil, Gas, and Geothermal Resources (DOGGR) to implement the Safe Drinking Water Act's (SDWA) Underground Injection Control (UIC) program for oil and gas-related injection wells. As such, UIC permit applicants seeking an aquifer exemption for their injection activities submit an application to the State. The State (both DOGGR and the State Water Board) reviews the application and conducts a public comment and hearing process; if the State determines that the proposed exemption meets federal and state regulatory criteria, they request approval of the exemption from EPA. Upon receipt of an aquifer exemption request from the State, EPA compiles and reviews the information submitted. EPA considers whether the application submitted meets federal aquifer exemption criteria, and we document our final determination to approve or deny the aquifer exemption request in a Record of Decision that explains the factual, technical, and legal bases for the determination.

Regarding environmental review pursuant to the National Environmental Policy Act (NEPA), EPA's longstanding position has been that aquifer exemptions under the SDWA are exempt from the procedural requirements of NEPA under the functional equivalence doctrine. EPA believes that the public comment and hearing process afforded by DOGGR, the technical analysis to protect underground sources of drinking water required in the aquifer exemption proposal process under the EPA's UIC regulations, and the enabling

legislation in the SDWA provide a functionally equivalent environmental review for aquifer exemption decisions, thus an environmental review under NEPA is not required.

Cat Canyon Aquifer Exemption

On May 3, 2019, DOGGR published a public notice of the proposed expansion of an existing aquifer exemption in the Cat Canyon oil field in Santa Barbara County, requesting public comment and inviting the interested public to a hearing on the exemption under consideration. On June 5, 2019, DOGGR and the State Water Board conducted a public hearing for the proposed Cat Canyon aquifer exemption in Santa Maria, CA. An EPA representative attended the State's public hearing and gave a brief presentation explaining EPA's role in the aquifer exemption process. The public comment period closed on June 20, 2019.

Best Regards,

Tomás Torres, Director, Water Division
U.S. Environmental Protection Agency
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